

1 **SECTION 579.** 969.065 of the statutes is renumbered 969.34 and amended to
2 read:

3 **969.34 Judicial conference; bail alternatives Bail schedule.** The judicial
4 conference shall develop guidelines, which the supreme court shall adopt by rule, for
5 ~~cash bail for releasing on bond~~ persons accused of misdemeanors ~~which the supreme~~
6 ~~court shall adopt by rule~~. The guidelines shall relate primarily to individuals. ~~The~~
7 ~~guidelines and~~ may be revised from time to time ~~under this section~~.

8 **SECTION 580.** 969.07 of the statutes is renumbered 969.36 and amended to
9 read:

10 **969.36 Taking of bail cash deposit by law enforcement officer.** When
11 ~~bail has monetary conditions of release have been set before the initial appearance~~
12 for a particular defendant, any law enforcement officer may take ~~bail in accordance~~
13 ~~with s. 969.02 a cash deposit~~ and release the defendant to appear at a specified time
14 and place in accordance with the conditions ~~of the appearance stated in the~~ bond.
15 ~~Bail shall not be required of a defendant who has been cited for commission of a~~
16 ~~misdemeanor in accordance with s. 968.085.~~ The law enforcement officer shall give
17 a receipt to the defendant for the ~~bail so taken~~ deposit and within a reasonable time
18 ~~deposit the bail it~~ with the clerk of the court ~~before whom where~~ the defendant is to
19 appear. ~~Bail taken by a law enforcement officer may be taken~~ A law enforcement
20 officer may take a cash deposit only at a sheriff's office or police station. ~~The receipts~~
21 ~~shall be numbered serially and shall be in triplicate, one copy for the defendant, one~~
22 ~~copy to be filed with the clerk and one copy to be filed with the police or sheriff's~~
23 ~~department which takes the bail.~~ This section does not require the release of a
24 defendant from custody when an officer is of the opinion that the defendant is not in
25 a fit condition to care for his or her own safety or would constitute, because of his or

1 her physical condition, a danger to the safety of others. If a defendant is not released
2 under this section, s. ~~970.01~~ 971.015 (1) shall apply.

3 **SECTION 581.** 969.08 (title) of the statutes is renumbered 969.51 (title) and
4 amended to read:

5 **969.51 (title) ~~Grant, reduction, increase or revocation~~ Revocations of**
6 **~~conditions of defendant's release.~~**

7 **SECTION 582.** 969.08 (1), (2), (3) and (4) of the statutes are repealed.

8 **SECTION 583.** 969.08 (5) (a) of the statutes is renumbered 969.51 (1) (a).

9 **SECTION 584.** 969.08 (5) (b) 1. of the statutes is renumbered 969.51 (1) (b) 1. and
10 amended to read:

11 969.51 (1) (b) 1. If the court determines that the state has complied with par.
12 (a), the court may issue a warrant commanding any law enforcement officer to bring
13 the defendant without unnecessary delay before the court. When the defendant is
14 brought before the court, he or she shall be given a copy of the documents specified
15 in par. (a) and informed of his or her rights under s. ~~970.02 (1) and (6)~~ 971.027. The
16 court may hold the defendant in custody and suspend the previously imposed
17 conditions of release pending a hearing on the alleged breach. ~~The hearing under~~
18 ~~this paragraph and the preliminary examination under s. 970.03, if required, shall~~
19 ~~be a combined hearing, with the court making the separate findings required under~~
20 ~~this paragraph and s. 970.03 at the conclusion of the combined hearing.~~ The hearing
21 shall be commenced within 7 days from the date the defendant is taken into custody.
22 The defendant may not be held without setting conditions of release for more than
23 7 days unless a hearing is held and the findings required by this paragraph are
24 established.

25 **SECTION 585.** 969.08 (5) (b) 2. of the statutes is renumbered 969.51 (1) (b) 2.

1 **SECTION 586.** 969.08 (5) (b) 3. of the statutes is renumbered 969.51 (1) (b) 3. and
2 amended to read:

3 969.51 (1) (b) 3. Upon a finding by the court that the state has established by
4 clear and convincing evidence that the defendant has committed a serious crime
5 while on conditional release, the court may revoke the release of the defendant and
6 hold the defendant for trial without setting conditions of release. No reference may
7 be made during the trial of the offense to the court's finding in the hearing. No
8 reference may be made in the trial to any testimony of the defendant at the hearing,
9 except if the testimony is used for impeachment purposes. If the court does not find
10 that the state has established by clear and convincing evidence that the defendant
11 has committed a serious crime while on conditional release, the defendant shall be
12 released on ~~bail or other~~ conditions deemed appropriate by the court.

13 **SECTION 587.** 969.08 (5) (b) 4. of the statutes is renumbered 969.51 (1) (b) 4. and
14 amended to read:

15 969.51 (1) (b) 4. If the release of any defendant is revoked under subd. 3., the
16 defendant may demand and shall be entitled to be brought to trial on the offense with
17 respect to which he or she was formerly released on conditions within 60 days after
18 the date on which he or she appeared before the court under subd. 1. If the defendant
19 is not brought to trial within the 60-day period he or she shall not be held longer
20 without setting conditions of release and shall be released on ~~bail or other~~ conditions
21 deemed appropriate by the court. In computing the 60-day period, the court shall
22 omit any period of delay if the court finds that the delay results from a continuance
23 granted at the exclusive request of the defendant.

24 **SECTION 588.** 969.08 (5) (b) 5. of the statutes is renumbered 969.51 (1) (b) 5.

25 **SECTION 589.** 969.08 (6) of the statutes is renumbered 969.51 (2).

1 **SECTION 590.** 969.08 (7) of the statutes is renumbered 969.51 (3) and amended
2 to read:

3 969.51 (3) If a person is charged with the commission of a serious crime in a
4 county other than the county in which the person was released on conditions, the
5 district attorney and court may proceed under sub. ~~(6)~~ (1) and certify the findings to
6 the ~~circuit~~ court for the county in which the person was released on conditions. That
7 ~~circuit~~ court shall make the release revocation decision based on the certified
8 findings.

9 **SECTION 591.** 969.08 (8) of the statutes is renumbered 969.51 (4) and amended
10 to read:

11 969.51 (4) Information stated in, or offered in connection with, any order
12 entered under this chapter setting ~~bail or other~~ conditions of release need not
13 conform to the rules of evidence, except as provided under sub. ~~(5)~~ (1) (b) 2. or s.
14 901.05.

15 **SECTION 592.** 969.08 (9) of the statutes is renumbered 969.51 (5).

16 **SECTION 593.** 969.08 (9m) of the statutes is renumbered 969.51 (6) and
17 amended to read:

18 969.51 (6) A person who has had ~~bail~~ bond revoked under this section is entitled
19 to placement of his or her case on an expedited trial calendar and his or her trial shall
20 be given priority.

21 **SECTION 594.** 969.08 (10) of the statutes is renumbered 969.51 (7).

22 **SECTION 595.** 969.09 (title), (1) and (3) of the statutes are repealed.

23 **SECTION 596.** 969.09 (2) of the statutes is renumbered 974.09 (2) and amended
24 to read:

1 974.09 (2) If the defendant is ~~admitted to bail upon~~ released on conditions
2 pending appeal, the conditions of the bond shall be that the defendant will duly
3 prosecute the defendant's appeal, that the defendant will appear at ~~such~~ the time
4 and place ~~as~~ that the court directs, and that, if the judgment is affirmed or reversed
5 and remanded for a new trial or further proceedings upon notice after remittitur, the
6 defendant will surrender to the sheriff of the county in which the defendant was
7 tried.

8 **SECTION 597.** 969.10 of the statutes is amended to read:

9 **969.10 Notice of change of address.** A person who has been released on ~~bail~~
10 ~~or other~~ conditions shall give written notice to the clerk of any change in his or her
11 address within 48 hours after the change. This requirement shall be printed on all
12 bonds.

13 **SECTION 598.** 969.11 of the statutes is renumbered 969.35 and amended to
14 read:

15 **969.35 Release upon arrest in another county.** (1) If the defendant is
16 arrested in a county other than the county in which the offense ~~was committed~~ may
17 be tried under s. 970.14, he or she shall, without unreasonable delay, ~~either be~~
18 ~~brought before a judge of the county in which arrested~~ and for the purpose of setting
19 ~~bail or other conditions of release, be brought before a judge of either the county~~
20 where he or she was arrested or ~~be returned to the county in which~~ where the offense
21 ~~was committed. The~~ may be tried under s. 970.14. If the defendant is brought before
22 a judge in the county where he or she was arrested, the judge shall release him or
23 her on conditions imposed in accordance with this chapter to appear before a court
24 in the county in which the offense was committed at a specified time and place.

(2) ~~If the defendant is released on bail or other conditions pursuant to a judge of a county other than the county where the offense may be tried under s. 970.14 released the defendant under~~ sub. (1), the judge shall make a record of the proceedings ~~and, shall certify his or her minutes thereof of the proceedings,~~ and shall forward the bond ~~and bail~~ to the court before whom the defendant is bound to appear.

SECTION 599. 969.12 of the statutes is renumbered 969.39.

SECTION 600. 969.13 of the statutes is repealed.

SECTION 601. 969.14 of the statutes is repealed.

SECTION 602. Subchapter I (title) of chapter 969 [precedes 969.15] of the statutes is created to read:

CHAPTER 969

SUBCHAPTER I

ARRESTS, SUMMONSES, AND CITATIONS

SECTION 603. 969.15 of the statutes is created to read:

969.15 Securing the defendant's initial appearance. The initial appearance of a person charged with a crime may be secured in any of the following ways:

(1) By the person's voluntary appearance.

(2) By the person's appearance in response to a citation.

(3) By the person's appearance in response to a summons.

(4) By the person's arrest, with or without a warrant.

(5) By the person's appearance in response to a condition of release from custody.

(6) By the person's appearance in response to a judicial order to produce a person already in custody.

1 **SECTION 604.** 969.19 of the statutes is created to read:

2 **969.19 Probable cause determination for warrantless arrests.** For any
3 person who is arrested without a warrant and not sooner released from custody,
4 within 48 hours after the arrest a judge shall determine whether there was probable
5 cause to arrest the person. After 48 hours, including weekends and holidays, have
6 elapsed from the arrest of the person with no judicial determination of probable
7 cause the person shall be released under s. 969.32 (1) unless the delay is excused by
8 the existence of a bona fide emergency or other extraordinary circumstance.

9 **SECTION 605.** 969.20 (2) of the statutes is created to read:

10 **969.20 (2) WARRANT WITHOUT A CRIMINAL COMPLAINT.** Upon the request of the
11 district attorney and subject to sub. (8), a judge may issue an arrest warrant without
12 a criminal complaint if the judge determines, based on an affidavit filed with the
13 court or an examination under oath of a person, that there is probable cause to
14 believe that an offense has been committed and that the person named in the
15 warrant has committed it.

16 **SECTION 606.** 969.20 (6) of the statutes is created to read:

17 **969.20 (6) CONDITIONS OF RELEASE ON WARRANT.** A judge issuing a warrant may
18 specify conditions of release.

19 **SECTION 607.** 969.20 (7) (title) of the statutes is created to read:

20 **969.20 (7) (title) SUMMONS IN LIEU OF WARRANT.**

21 **SECTION 608.** 969.21 (title) of the statutes is created to read:

22 **969.21 (title) Arrest warrants.**

23 **SECTION 609.** 969.24 (2m) of the statutes is created to read:

1 **969.24 (2m) RELEASE AFTER CITATION.** A law enforcement officer citing a person
2 for a misdemeanor shall release the person without a cash bond unless any of the
3 following apply:

4 (a) The accused has not given proper identification.

5 (b) The accused is not willing to sign the citation.

6 (c) The accused appears to represent a danger of harm to himself or herself,
7 another person or property.

8 (d) The accused cannot show sufficient evidence of ties to the community.

9 (e) The accused has previously failed to appear in response to a citation,
10 subpoena, summons, or order of the court.

11 (f) Arrest or further detention appears necessary to carry out legitimate
12 investigative action in accordance with law enforcement agency policies.

13 **SECTION 610.** 969.25 of the statutes is created to read:

14 **969.25 Release on bond by district attorney.** (1) (a) Except as provided
15 in s. 969.24, upon consent of the district attorney, an individual who has been
16 arrested and taken into custody may be released before the initial appearance upon
17 signing a bond, obligating the individual to appear in court for an initial appearance
18 at a time and place specified in the bond and to comply with any other specified
19 conditions required by the district attorney under sub. (2).

20 (b) In determining whether to consent to release on bond, the district attorney
21 may consider whether any of the following applies:

22 1. The defendant has provided proper identification.

23 2. The defendant is willing to comply with the conditions of the bond.

24 3. The defendant appears to pose a danger to himself or herself, another person,
25 or property.

1 4. The defendant can show sufficient evidence of ties to the community.

2 5. The defendant has previously failed to appear in response to a citation,
3 subpoena, summons, or order of court.

4 6. Further detention appears necessary to carry out legitimate investigative
5 activities.

6 (2) The district attorney may not impose monetary conditions of release under
7 this section. If he or she releases a defendant under this section, the district attorney
8 shall impose the conditions mandated by ss. 969.33 and 969.27 (6) and may also
9 impose any of the following conditions:

10 (a) The defendant shall report any change of address within 48 hours to the
11 district attorney.

12 (b) The defendant shall appear at specified times and places for investigative
13 purposes.

14 (c) The defendant may not contact, directly or indirectly, specified persons.

15 (d) The defendant may not possess any dangerous weapon.

16 (e) The defendant may not consume any alcoholic beverage.

17 (f) The defendant may not go to designated geographical areas or premises.

18 (g) The defendant shall submit to supervision by a qualified person or
19 organization agreeing to supervise the defendant.

20 (h) Any other reasonable, nonmonetary condition.

21 (3) Any bond executed under this section shall include all of the following:

22 (a) The conditions of release.

23 (b) Notice that the violation of any condition of release is punishable under s.
24 946.49.

(c) Notice that the defendant is entitled to the assistance of counsel and instructions for obtaining such assistance if he or she is indigent.

(d) Notice that the defendant may move the court to modify the conditions of release.

(4) Conditions of release under this section expire upon the initial appearance unless continued by the judge. Signing a bond under this section does not preclude the individual from seeking judicial relief from its terms.

(5) A defendant shall be given a copy of the bond.

SECTION 611. 969.26 (title) of the statutes is created to read:

969.26 (title) Forms.

SECTION 612. 969.26 (3) of the statutes is created to read:

969.26 (3) CITATION. A citation shall be in substantially the following form:

MISDEMEANOR CITATION

Section 969.26 Wis. Stats.

Deposit Permitted: \$

Circuit Court for County

The undersigned complains for and on behalf of the State of Wisconsin upon information and belief that on or about (day), (date of violation), at (time); in County, town/ village/ city of; (defendant's name); (date of birth), (sex), (street address, city, state, zip code), (race), (eye color), (hair color), (weight), (height); did the following (state facts of violation) in violation of section(s) of the (year) Wisconsin Statutes and requests that the defendant may be held to answer for the violation.

Dated, (year)

.... (Signature of officer)

Signed by (Name), (Dept./Agency)

.... (Title), (Badge Number)

You are hereby notified to appear in the

() Circuit Court named above

() District Attorney's Office

located at (street address, city)

on (date), at (time).

The maximum penalty for this violation is:

() Fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both

(Class A Misdemeanor).

() Fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both

(Class B Misdemeanor).

() Fine not to exceed \$500 or imprisonment not to exceed 30 days, or both (Class

C Misdemeanor).

() Other

PROMISE TO APPEAR

I have received a copy of this citation. I promise to appear in court at the
time and place specified. Signing this citation is not an admission of guilt.

.... (Defendant's signature)

.... (Defendant's address)

.... (Defendant's phone number)

ENDORSEMENT BY DISTRICT ATTORNEY

I have reviewed this citation and approve its use as a criminal complaint
under s. 696.10 (6).

Dated, (year)

.... (District Attorney's signature)

1 (Title)

2 **SECTION 613.** Subchapter II (title) of chapter 969 [precedes 969.30] of the
3 statutes is created to read:

4 **CHAPTER 969**

5 **SUBCHAPTER II**

6 **COURT-ORDERED RELEASE**

7 **SECTION 614.** 969.30 (3) to (7) of the statutes are created to read:

8 969.30 (3) “Personal recognizance bond” means a bond without monetary
9 conditions of release.

10 (4) “Secured appearance bond” means a bond with monetary conditions of
11 release that require the depositing of cash or the pledging of property as security.
12 The court may order that the bond be secured by the defendant or by a surety.

13 (5) “Serious bodily harm” means bodily injury that causes or contributes to the
14 death of a human being; bodily injury that creates a substantial risk of death; bodily
15 injury that causes serious permanent disfigurement; bodily injury that causes a
16 permanent or protracted loss or impairment of the function of any bodily member or
17 organ; or other serious bodily injury.

18 (6) “Surety” means a person who guarantees payment of the amount specified
19 in a monetary condition of release if the defendant does not appear in court as
20 required.

21 (7) “Unsecured appearance bond” means a bond with monetary conditions of
22 release that do not require the depositing of cash or the pledging of property as
23 security.

24 **SECTION 615.** 969.31 (3) of the statutes is created to read:

1 **969.31 (3) AFTER SENTENCING.** After sentencing and before service of the
2 sentence begins, the trial court may continue the conditions of release or impose new
3 conditions of release.

4 **SECTION 616.** 969.31 (4) of the statutes is created to read:

5 **969.31 (4) PENDING APPEAL.** Release after sentencing, pending appeal, is
6 governed by ss. 809.31 and 974.08.

7 **SECTION 617.** 969.32 of the statutes is created to read:

8 **969.32 Types of release.** In any case where release is allowed, the court shall
9 do one of the following:

10 (1) Release the defendant to return on a date certain, without conditions.

11 (2) Release the defendant on a personal recognizance bond.

12 (3) Release the defendant on an unsecured appearance bond.

13 (4) Release the defendant on a secured appearance bond.

14 **SECTION 618.** 969.33 (title) of the statutes is created to read:

15 **969.33 (title) Conditions of release.**

16 **SECTION 619.** 969.33 (2) of the statutes is created to read:

17 **969.33 (2) RULES OF EVIDENCE DO NOT APPLY.** Information stated in or offered in
18 connection with any order entered under this chapter setting conditions of release
19 need not conform to the rules of evidence, except as provided under s. 901.05 or
20 969.51.

21 **SECTION 620.** 969.33 (3) of the statutes is created to read:

22 **969.33 (3) MONETARY CONDITIONS.** The court may impose monetary conditions
23 of release only if it finds that there is a reasonable basis to believe that they are
24 necessary to ensure the defendant's appearance in court. In a misdemeanor case the

1 amount of money specified in a monetary condition of release may not exceed the
2 maximum fine provided for the crime charged.

3 **SECTION 621.** 969.33 (4) of the statutes is created to read:

4 **969.33 (4) MANDATORY CONDITIONS.** The following conditions shall be imposed
5 as terms of any bond under s. 969.32 (2) to (4) and shall be printed on the bond:

6 (a) The defendant shall appear in the court having jurisdiction on a day certain
7 and thereafter as ordered until discharged on final order of the court and shall
8 submit to the orders and process of the court.

9 (b) The defendant shall give written notice to the clerk of any change in his or
10 her address within 48 hours after the change.

11 (c) The defendant may not commit any crime.

12 (d) The defendant shall not violate, cause any person to violate, or permit any
13 person to violate on the defendant's behalf ss. 940.22 to 940.45.

14 **SECTION 622.** 969.33 (5) to (7) of the statutes are created to read:

15 **969.33 (5) OTHER CONDITIONS.** Whenever a defendant is released on bond under
16 s. 969.32 (2) to (4), the court may impose reasonable conditions other than those
17 required under sub. (4), including conditions doing any of the following:

18 (a) Prohibiting the defendant from contacting, directly or indirectly, specified
19 persons or going to specified places.

20 (b) Prohibiting the defendant from possessing any dangerous weapon.

21 (c) Prohibiting the defendant from consuming alcohol beverages.

22 (d) Restricting the travel, association, or place of residence of the defendant.

23 (e) Requiring that the defendant return to custody after specified hours. The
24 charges authorized by s. 303.08 (4) and (5) do not apply under this paragraph.

(f) Placing the defendant under the supervision of a designated person or organization agreeing to supervise the defendant.

(6) COPY OF BOND TO DEFENDANT. The court shall provide the defendant a copy of his or her bond.

(7) MODIFYING CONDITIONS OF RELEASE. Upon motion by the state or the defendant, the court before which the action is pending may, following a hearing, modify conditions of release or grant release if it has been previously revoked under s. 969.51. Reasonable notice of the hearing shall be given to all parties.

SECTION 623. 969.37 of the statutes is created to read:

969.37 Return of cash deposit to a 3rd party. A person other than the defendant who has deposited cash to obtain the release of the defendant on a secured appearance bond, may, prior to the entry of a judgment of conviction or a judgment of forfeiture under s. 969.42, apply to the court for an order returning the deposit. After notice to the parties, the court shall hold a hearing at which the defendant must be present. The court shall determine whether to remit the cash deposit in whole or in part and may review and modify the conditions of release.

SECTION 624. 969.38 of the statutes is created to read:

969.38 Disposition of cash deposits. (1) DEPOSIT APPLIED TO FINE OR COSTS.

(a) When the court enters a judgment for a fine or costs or both in a case in which a cash deposit has been made on a secured appearance bond, the court shall apply the balance of the deposit, after deducting the bond costs, to the payment of the judgment. The court shall then return any remaining balance of the deposit to the person who made the deposit.

¶ (b) All secured appearance bonds shall include notice of the requirements of par. (a).

1 **(2) RETURN OF DEPOSIT.** If the complaint against the defendant is dismissed or
2 the defendant is acquitted in a case in which a cash deposit has been made on a
3 secured appearance bond, the entire sum deposited shall be returned. A deposit by
4 a surety shall be returned to the person who made the deposit.

5 **(3) FORFEITURE EXCEPTION.** Subsections (1) (a) and (2) do not apply if a cash
6 deposit is forfeited under s. 969.42.

7 **SECTION 625.** 969.41 of the statutes is created to read:

8 **969.41 Discharge of surety.** When a surety desires to be discharged from the
9 obligations of his or her bond, he or she may apply to the court for an order to that
10 effect. After notice to the parties, the court shall hold a hearing at which the
11 defendant must be present. The court shall determine whether to discharge the
12 surety and may review and modify the conditions of release.

13 **SECTION 626.** 969.42 of the statutes is created to read:

14 **969.42 Forfeiture.** (1) If the defendant does not comply with the conditions
15 of the bond, the court may order the bail forfeited and a judgment of bail forfeiture
16 entered. Immediately after the order is entered, the clerk shall mail notice of the
17 order of judgment of bail forfeiture to the defendant and the defendant's sureties.
18 No other notice is required.

19 **(2)** By entering into a bond, the defendant and any sureties submit to the
20 jurisdiction of the court for the purposes of determining their liability under the
21 bond. Their obligations under the bond may be enforced without the necessity of an
22 independent action.

23 **(3)** If the court enters a judgment of bail forfeiture, any cash deposit made with
24 the clerk pursuant to this subchapter shall be applied to the payment of costs. If any

1 amount of the deposit remains after the payment of costs, it shall be applied to the
2 payment of the judgment of bail forfeiture.

3 (4) Within 30 days after the entry of a judgment of bail forfeiture, the court may
4 order the judgment set aside upon such conditions as the court imposes if it appears
5 that justice does not require the enforcement of the judgment of bail forfeiture.

6 **SECTION 627.** Subchapter III (title) of chapter 969 [precedes 969.50] of the
7 statutes is created to read:

8 **CHAPTER 969**

9 **SUBCHAPTER III**

10 **ENFORCEMENT OF APPEARANCE**

11 **REQUIREMENTS AND CONDITIONS OF**

12 **RELEASE**

13 **SECTION 628.** 969.50 (2) and (3) of the statutes are created to read:

14 969.50 (2) A court issuing a bench warrant under this section may specify
15 monetary conditions of release on the warrant.

16 (3) If monetary conditions of release are not specified on the bench warrant,
17 a defendant ^{or witness} arrested pursuant to the warrant is not eligible for release before
18 appearing in court.

19 **SECTION 629.** Chapter 970 (title) of the statutes is repealed and recreated to
20 read:

21 **CHAPTER 970**

22 **COMMENCEMENT OF PROSECUTION**

23 **SECTION 630.** 970.01 (title) of the statutes is repealed.

24 **SECTION 631.** 970.01 (1) of the statutes is renumbered 971.015 (1) (a) and
25 amended to read:

1 971.015 (1) (a) ~~Any~~ Except as provided in par. (b), any person who is arrested
2 and not sooner released from custody shall be ~~taken within a reasonable time before~~
3 ~~a judge in~~ brought before the court for the county in which the offense was alleged
4 ~~to have been committed. The~~ may be tried under s. 970.14 for an initial appearance
5 ~~may be conducted on the record by telephone or live audiovisual means under s.~~
6 ~~967.08. If the~~ within a reasonable time after the day of arrest. In no event shall an
7 arrested person be held for more than 96 hours, including weekends and holidays,
8 without a court determination regarding conditions of release under s. 969.33.

9 (3) TELEPHONE PROCEEDINGS. When an initial appearance is conducted by
10 telephone ~~or live audiovisual means~~ under s. 967.14 or video conferencing under
11 subch. III of ch. 885, the person may waive physical appearance. Waiver of physical
12 appearance shall be placed on the record of the initial appearance and does not waive
13 other grounds for challenging the court's personal jurisdiction. If the person does not
14 wave physical appearance, conducting the initial appearance by telephone or live
15 audiovisual means under s. 967.08 defendant does not waive any ~~grounds~~ ground
16 that the person defendant has for challenging the court's personal jurisdiction.

***NOTE: Please note reference to videoconferencing under subch. III of ch. 885.

17 **SECTION 632.** 970.01 (2) of the statutes is repealed.

18 **SECTION 633.** 970.02 (title) of the statutes is repealed.

19 **SECTION 634.** 970.02 (1) (intro.) of the statutes is repealed.

20 **SECTION 635.** 970.02 (1) (a) of the statutes is renumbered 971.027 (3) and
21 amended to read:

22 971.027 (3) NOTICE OF THE CHARGES AND PENALTIES. ~~Of the charge against the~~
23 ~~defendant and shall furnish~~ The court shall ensure that the district attorney has
24 furnished the defendant with a copy of the complaint ~~which shall contain the possible~~

1 ~~penalties for the offenses set forth therein. In the case of a felony, the judge shall also~~
2 ~~inform the defendant of the~~ and ensure that the defendant has been informed of the
3 nature of the charge and the penalties for the felony each crime with which the
4 defendant is charged. The district attorney shall read the complaint to the defendant
5 at the defendant's request.

6 **SECTION 636.** 970.02 (1) (b) and (6) of the statutes are consolidated,
7 renumbered 971.027 (1) and amended to read:

8 971.027 (1) RIGHT TO COUNSEL. ~~Of If the defendant is not represented by~~
9 counsel, the court shall inform the defendant of his or her right to counsel and, in any
10 ~~case required by the U.S. or Wisconsin constitution, that an attorney will be~~
11 ~~appointed to represent him or her if he or she is financially unable to employ counsel.~~
12 ~~(6) In all cases in which the defendant is entitled to legal representation under the~~
13 ~~constitution or laws of the United States or this state, the judge or magistrate shall~~
14 ~~inform the defendant of his or her right to counsel and, if the defendant claims or~~
15 ~~appears to be indigent, shall refer the person~~ defendant ~~to the authority for indigency~~
16 ~~determinations specified under s. 977.07 (1). Unless the defendant knowingly and~~
17 voluntarily waives the right to counsel, the court may not permit an unrepresented
18 defendant to enter a plea other than not guilty.

19 **SECTION 637.** 970.02 (1) (c) of the statutes is repealed.

20 **SECTION 638.** 970.02 (2) of the statutes is renumbered 971.027 (5) and amended
21 to read:

22 971.027 (5) CONDITIONS OF RELEASE. ~~The judge~~ At the initial appearance, the
23 court ~~shall admit the defendant to bail in accordance with~~ establish, modify, or
24 continue the conditions of the defendant's release under ch. 969.

25 **SECTION 639.** 970.02 (3) of the statutes is repealed.

1 **SECTION 640.** 970.02 (4) of the statutes is repealed.

2 **SECTION 641.** 970.02 (5) of the statutes is repealed.

3 **SECTION 642.** 970.02 (7) of the statutes is renumbered 971.027 (6) and amended
4 to read:

5 971.027 (6) OBTAINING IDENTIFICATION DATA. If the offense charged is one
6 specified under s. 165.83 (2) (a), ~~the judge shall determine if~~ and if law enforcement
7 officers have not obtained the defendant's fingerprints, photographs, and ~~other~~
8 identifying data ~~have been taken and, if not, the judge, the court shall at the initial~~
9 appearance direct that ~~this information be obtained~~ they do so.

10 **SECTION 643.** 970.03 (title), (1), (2), (3), (5), (7), (8), (9), (10), (13) and (14) of the
11 statutes are repealed.

12 **SECTION 644.** 970.03 (4) of the statutes is renumbered 971.75 (9), and 971.75
13 (9) (a), as renumbered, is amended to read:

14 971.75 (9) (a) If the ~~defendant~~ juvenile is accused of a crime under s. 940.225,
15 948.02, 948.025, 948.05, 948.051, 948.06, 948.085, or 948.095, or under s. 940.302 (2),
16 if the court finds that the crime was sexually motivated, as defined in s. 980.01 (5),
17 the court may exclude from ~~the~~ any hearing under this section all persons who are
18 not officers of the court, members of the complainant's or defendant's families or
19 others considered by the court to be supportive of the complainant or defendant, the
20 service representative, as defined in s. 895.45 (1) (c), or other persons required to
21 attend, if the court finds that the state or the ~~defendant~~ juvenile has established a
22 compelling interest that would likely be prejudiced if the persons were not excluded.
23 The court may consider as a compelling interest, among others, the need to protect
24 a complainant from undue embarrassment and emotional trauma.

1 **SECTION 645.** 970.03 (6) of the statutes is renumbered 971.75 (6) (b) and
2 amended to read:

3 971.75 (6) (b) During the ~~preliminary examination~~ any hearing under this
4 section, the court may exclude witnesses until they are called to testify, may direct
5 that persons who are expected to be called as witnesses be kept separate until called,
6 and may prevent them from communicating with one another until they have been
7 examined.

8 **SECTION 646.** 970.03 (12) of the statutes is renumbered 971.75 (7), and 971.75
9 (7) (a) 1., (b) and (c), as renumbered, are amended to read:

10 971.75 (7) (a) 1. “Hospital” has the meaning ~~designated~~ given in s. 50.33 (2).

11 (b) At any ~~preliminary examination~~ hearing under this section, a report of one
12 of the crime laboratory’s, the state laboratory of hygiene’s, a federal bureau of
13 investigation laboratory’s, a hospital laboratory’s, or a local health department’s
14 findings with reference to all or any part of the evidence submitted, certified as
15 correct by the attorney general, the director of the state laboratory of hygiene, the
16 director of the federal bureau of investigation, the chief hospital administrator, the
17 local health officer, as defined in s. 250.01 (5), or a person designated by any of them,
18 shall, when offered by the state or the accused, be received as evidence of the facts
19 and findings stated, if relevant. The expert who made the findings need not be called
20 as a witness.

21 (c) At any ~~preliminary examination~~ hearing under this section in Milwaukee
22 County, a latent fingerprint report of the city of Milwaukee police department bureau
23 of identification division’s latent fingerprint identification unit, certified as correct
24 by the police chief or a person designated by the police chief, shall, when offered by

the state or the accused, be received as evidence of the facts and findings stated, if relevant. The expert who made the findings need not be called as a witness.

SECTION 647. 970.032 (title) of the statutes is repealed.

SECTION 648. 970.032 (1) of the statutes is renumbered 971.75 (1) and amended to read: *create A.R. Blue and use in Insert 203-15*

971.75 (1) PROBABLE CAUSE HEARING. ~~Notwithstanding s. 970.03, if a preliminary examination is held regarding a juvenile who is subject to the original jurisdiction of~~ If the court of criminal has original jurisdiction over a juvenile under s. 938.183 (1), the court shall first conduct an evidentiary hearing to determine whether if there is probable cause to believe that the juvenile has committed the violation of which he or she is accused under the circumstances specified in s. 938.183 (1) (a), (am), (ar), (b), or (c), whichever is applicable. *INS 202-12*

(3) FINDINGS AT PROBABLE CAUSE HEARING. (a) If the court does not make that finding find that there is probable cause to believe the juvenile committed the violation of which he or she is accused under the circumstances specified in s. 938.183 (1) (a), (am), (ar), (b), or (c), whichever is applicable, the court shall order that the juvenile be discharged, but proceedings may be brought regarding the juvenile under ch. 938.

SECTION 649. *create A.R. Gold and use in Insert 203-15* 970.032 (2) (intro.) of the statutes is renumbered 971.75 (3) (b) and amended to read:

971.75 (3) (b) If the court finds probable cause to believe that the juvenile has committed the violation of which he or she is accused under the circumstances specified in s. 938.183 (1) (a), (am), (ar), (b), or (c), the court shall conduct a hearing under sub. (5) to determine whether to retain jurisdiction or to transfer jurisdiction to the court assigned to exercise jurisdiction under chs. 48 and 938. *INS 202-25*

(5) FINDINGS AT RETENTION HEARING. ~~The~~ If the court finds probable cause under sub. (3)(b), it shall retain jurisdiction unless the juvenile proves by a preponderance of the evidence all of the following:

SECTION 650. 970.032 (2) (a), (b) and (c) of the statutes are renumbered 971.75 (5) (a), (b) and (c).

SECTION 651. 970.035 of the statutes is repealed.

SECTION 652. 970.038 of the statutes is ^{repealed} renumbered 971.026 and amended to read:

971.026 Preliminary examination hearings; hearsay exception. (1) Notwithstanding s. 908.02, hearsay is admissible in a preliminary examination proceeding under ss. ~~970.03, 970.032, and 970.035~~ s. 971.027 or 971.75.

(2) A court may base its finding of probable cause under s. ~~970.03 (7) or (8), 970.032 (2), or 970.035~~ 971.027 (2) or 971.75 (3) (b) in whole or in part on hearsay admitted under sub. (1).

****NOTE: This section incorporates 2011 Wisconsin Act 285 into the bill. Please review.

IN 203-15 SECTION 653. 970.04 of the statutes is repealed.

SECTION 654. 970.05 of the statutes is repealed.

SECTION 655. Subchapter I (title) of chapter 970 [precedes 970.06] of the statutes is created to read:

CHAPTER 970

SUBCHAPTER I

GENERAL PROVISIONS

SECTION 656. 970.06 (2) of the statutes is created to read:

970.06 (2) When a grand jury indicts a person, a complaint shall be filed.

SECTION 657. 970.06 (3) of the statutes is created to read:

970.06 (3) The trial of a criminal action shall be upon the complaint.

SECTION 658. 970.06 (4) of the statutes is created to read:

970.06 (4) A complaint upon which a criminal action is tried is an information for the purposes of article I, section 7, of the constitution.

***NOTE: Please review this language to ensure it is what you intend.

SECTION 659. 970.08 (2) of the statutes is created to read:

970.08 (2) A complaint is filed when the district attorney signs it and files it with the clerk of the court for the county where the crime was committed.

SECTION 660. 970.09 (2) of the statutes is created to read:

970.09 (2) The court may allow the district attorney to amend the complaint after the defendant enters a plea but within a reasonable time before trial if the amendment does not prejudice the defendant.

SECTION 661. 970.10 (title), (1) and (3) of the statutes are created to read:

970.10 (title) Dismissing the complaint. (1) If the district attorney moves to dismiss a complaint, the trial court shall grant the motion unless the court finds that dismissal is contrary to the public interest. The motion may not be granted during the trial without the consent of the defendant.

(3) Granting a motion made under sub. (1) dismisses the action, and the clerk shall enter an order to that effect.

SECTION 662. 970.13 (3) of the statutes is created to read:

970.13 (3) RELIEF FROM PREJUDICIAL JOINDER. Relief from prejudicial joinder may be sought under s. 971.68 (2).

SECTION 663. 970.14 (13) of the statutes is created to read:

1 **970.14 (13)** In an action where the state asserts jurisdiction under s. 939.03 (1)
2 (b) or (c) and where the place of trial cannot readily be determined under this section,
3 the trial may be in the county where the defendant intended that the crime be
4 committed, the county of residence of the intended victims, or, if neither of these
5 applies, Dane County.

6 **SECTION 664.** 970.15 of the statutes is created to read:

7 **970.15 Deferred and suspended prosecution agreements. (1)**

8 DEFINITIONS. (a) “Deferred prosecution agreement” means an agreement under
9 which a prosecutor does not file a criminal complaint but may do so in the future.

10 (b) “Suspended prosecution agreement” means an agreement under which
11 further prosecution against a person is suspended after a prosecutor files a criminal
12 complaint against the person.

13 **(2) DEFERRED PROSECUTION AGREEMENTS.** The same standards that apply to a
14 district attorney’s charging authority govern the district attorney’s authority to
15 enter into a deferred prosecution agreement. A deferred prosecution agreement is
16 enforceable in the same manner as a plea agreement.

17 **(3) SUSPENDED PROSECUTION AGREEMENTS.** The same standards that apply to a
18 court’s authority to schedule cases and grant continuances apply to a court’s
19 authority to suspend prosecution when the parties have reached a suspended
20 prosecution agreement. The court’s authority to suspend prosecution includes the
21 authority to defer or delay the acceptance of a plea or to withhold entry of judgment.
22 A suspended prosecution agreement is enforceable in the same manner as a plea
23 agreement.

24 **(4) ADMISSIONS AND STATEMENTS.** Consent to, or participation in, a deferred
25 prosecution agreement or a suspended prosecution agreement is not an admission

1 of guilt and is not admissible in any trial relating to the charge to which the
2 agreement pertains. No statement made by a person in connection with a deferred
3 prosecution agreement or a suspended prosecution agreement is admissible in any
4 trial relating to the charge to which the agreement pertains.

5 (5) IMMUNITY. Any organization, agency, or individual acting in good faith for
6 which or for whom a person is assigned to work pursuant to a deferred prosecution
7 agreement or a suspended prosecution agreement has immunity from any civil
8 liability in excess of \$25,000 for acts or omissions by the person or affecting the
9 person.

10 **SECTION 665.** Subchapter II (title) of chapter 970 [precedes s. 970.21 of the
11 statutes] is created to read:

12 **CHAPTER 970**

13 **SUBCHAPTER II**

14 **PARTICULAR OFFENSES**

15 **SECTION 666.** Chapter 971 (title) of the statutes is repealed and recreated to
16 read:

17 **CHAPTER 971**

18 **PRETRIAL PROCEDURES**

19 **SECTION 667.** 971.01 of the statutes is repealed.

20 **SECTION 668.** Subchapter I (title) of chapter 971 [precedes 971.013] of the
21 statutes is created to read:

22 **CHAPTER 971**

23 **SUBCHAPTER I**

24 **COMMENCEMENT OF PROCEEDINGS**

25 **SECTION 669.** 971.015 (title) of the statutes is created to read:

1 **971.015 (title) Initial court appearance.**

2 **SECTION 670.** 971.015 (1) (title) of the statutes is created to read:

3 971.015 (1) (title) PERSONS IN CUSTODY.

4 **SECTION 671.** 971.015 (1) (b) of the statutes is created to read:

5 971.015 (1) (b) A person in custody outside the county in which the offense was
6 alleged to have been committed shall have an initial appearance in the court for the
7 county in which the offense was alleged to have been committed as soon as
8 practicable. Conditions of release may be set under s. 969.33.

9 **SECTION 672.** 971.015 (2) of the statutes is created to read:

10 971.015 (2) PERSONS NOT IN CUSTODY. A person who is arrested and released or
11 who is issued a citation is entitled to an initial appearance within a reasonable time
12 after being arrested or cited.

13 **SECTION 673.** 971.015 (4) of the statutes is created to read:

14 971.015 (4) DISCOVERY BEFORE THE INITIAL APPEARANCE. The district attorney
15 may provide discovery before the initial appearance.

16 **SECTION 674.** 971.02 of the statutes is repealed.

17 **SECTION 675.** 971.027 (intro.) of the statutes is created to read:

18 **971.027 Duties at the initial appearance.** (intro.) All of the following shall
19 occur at the initial appearance:

20 **SECTION 676.** 971.027 (2) and (4) of the statutes are created to read:

21 971.027 (2) PROBABLE CAUSE DETERMINATION. The court shall determine
22 whether the facts alleged in the complaint establish probable cause to believe that
23 the defendant committed the crime charged. If probable cause exists as to at least
24 one count of the complaint, the court may set a date for further proceedings and, if
25 the defendant requests, shall set a date for trial. Notwithstanding a finding of

1 probable cause under this subsection, the defendant may move to dismiss a
2 complaint or any count in a complaint based on lack of probable cause by filing a
3 motion under s. 971.65.

4 (4) REQUEST FOR AND ENTRY OF PLEA. The court shall ask for the defendant's plea
5 to the charges in the complaint. If the defendant stands mute or refuses to plead to
6 any charge, the court shall direct the entry of a plea of not guilty on the defendant's
7 behalf.

8 **SECTION 677.** 971.035 of the statutes is created to read:

9 **971.035 Discovery at the initial appearance.** (1) MATERIAL IN THE DISTRICT
10 ATTORNEY'S POSSESSION. At the initial appearance, the district attorney shall disclose,
11 if in the district attorney's possession, law enforcement investigative reports relating
12 to the case and a copy of the defendant's criminal record.

13 (2) TIME OF DISCLOSURE. Disclosure under this section shall be made after the
14 defendant has obtained or waived legal representation.

15 (3) MANNER OF DISCLOSURE. Disclosure under this section shall be made in the
16 manner provided in s. 971.51.

17 (4) DELAY FOR GOOD CAUSE SHOWN. For good cause shown, the court may allow
18 a delay in disclosure under this section.

19 **SECTION 678.** 971.038 of the statutes is created to read:

20 **971.038 Time limits for motions and requests for substitution.** No later
21 than 10 days after the initial appearance, the defendant may file any motions that
22 might otherwise be waived by the entry of the plea or a request for substitution of
23 a judge under s. 967.16.

24 **SECTION 679.** 971.04 (title) of the statutes is renumbered 967.13 (title).

1 **SECTION 680.** 971.04 (1) (intro.) of the statutes is renumbered 967.13 (1) (intro.)
2 and amended to read:

3 967.13 (1) (intro.) Except as provided in subs. (2) and (3), ~~the s. 967.14, or subch.~~
4 III of ch. 885, a defendant who is an individual shall be present for all of the following:

5 **SECTION 681.** 971.04 (1) (a) of the statutes is repealed.

6 **SECTION 682.** 971.04 (1) (b), (c), (d), (e), (f), (g) and (h) of the statutes are
7 renumbered 967.13 (1) (c), (d), (e), (f), (g), (h) and (j) and amended to read:

8 967.13 (1) (c) ~~At~~ The trial;.

9 (d) ~~During~~ The voir dire of the trial jury;.

10 (e) ~~At any~~ Any evidentiary hearing;.

11 (f) ~~At any~~ Any view by the jury;.

12 (g) ~~When the jury returns its~~ The return of the jury's verdict;.

13 (h) ~~At the pronouncement~~ The granting of judgment and the imposition of
14 sentence;.

15 (j) ~~At any~~ Any other proceeding when ordered by the court.

16 **SECTION 683.** 971.04 (2) of the statutes is renumbered 967.13 (2) and amended
17 to read:

18 967.13 (2) A defendant charged with a misdemeanor may authorize his or her
19 attorney in writing to act on ~~his or her~~ the defendant's behalf in any manner and,
20 with prior leave of the court, and may be excused from attendance at attending any
21 or all proceedings proceeding except entry of a plea of guilty or no contest, sentencing,
22 or a proceeding at which a right personal to the defendant is waived.

23 **SECTION 684.** 971.04 (3) of the statutes is renumbered 967.13 (3) and amended
24 to read:

1 967.13 (3) If the defendant is present ~~at the beginning of the trial when~~
2 ~~jeopardy attaches and thereafter~~, during the progress of the trial or before the verdict
3 of the jury has been returned into court, voluntarily absents himself or herself from
4 the presence of the court without leave of the court, the trial or return of verdict of
5 the jury in the case shall not thereby be postponed or delayed, ~~but~~ and the trial or
6 submission of ~~said~~ the case to the jury for verdict and the return of verdict ~~thereon~~,
7 if required, shall proceed in all respects as though the defendant were present in
8 court at all times. ~~A defendant need not be present at the pronouncement or entry~~
9 ~~of an order granting or denying relief under s. 974.02, 974.06, or 974.07. If the~~
10 ~~defendant is not present, the time for appeal from any order under ss. 974.02, 974.06,~~
11 ~~and 974.07 shall commence after a copy has been served upon the attorney~~
12 ~~representing the defendant, or upon the defendant if he or she appeared without~~
13 ~~counsel. Service of such an order shall be complete upon mailing. A defendant~~
14 ~~appearing without counsel shall supply the court with his or her current mailing~~
15 ~~address. If the defendant fails to supply the court with a current and accurate~~
16 ~~mailing address, failure to receive a copy of the order granting or denying relief shall~~
17 ~~not be a ground for tolling the time in which an appeal must be taken.~~

****NOTE: -3257/P2 and -4648/P1 both renumber 971.04 (3). The -3257/P2
treatment is retained and the bill creates 974.08 (2) and (3).

18 **SECTION 685.** 971.05 of the statutes is repealed.

19 **SECTION 686.** Subchapter II (title) of chapter 971 [precedes 971.06] of the
20 statutes is created to read:

21 **CHAPTER 971**

22 **SUBCHAPTER II**

23 **PLEAS**

1 **SECTION 687.** 971.06 (1) (title) of the statutes is created to read:

2 971.06 (1) (title) TYPES OF PLEAS.

3 **SECTION 688.** 971.06 (1) (a), (b) and (c) of the statutes are amended to read:

4 971.06 (1) (a) Guilty, which means that the defendant admits the facts
5 necessary to constitute the crime.

6 (b) Not guilty, which means that the defendant denies the facts necessary to
7 constitute the crime. A plea of not guilty requires the state to prove the facts
8 necessary to constitute the crime beyond a reasonable doubt.

9 (c) No contest, subject to the approval of the court which means that the
10 defendant does not contest the state's ability to prove the facts necessary to
11 constitute the crime. The court may refuse to allow the entry of a no contest plea after
12 consideration of the views of the parties and the public interest in the administration
13 of justice.

14 **SECTION 689.** 971.06 (1) (d) of the statutes is repealed.

15 **SECTION 690.** 971.06 (2) of the statutes is repealed.

16 **SECTION 691.** 971.06 (3) of the statutes is repealed.

17 **SECTION 692.** 971.06 (4) of the statutes is created to read:

18 971.06 (4) **JOINING A PLEA OF NOT GUILTY BY REASON OF MENTAL DISEASE OR DEFECT**
19 **WITH ANOTHER PLEA.** (a) A defendant may enter a plea of not guilty by reason of mental
20 disease or defect, which means that at the time of the crime, as a result of mental
21 disease or defect, the defendant lacked substantial capacity either to appreciate the
22 wrongfulness of his or her conduct or to conform his or her conduct to the
23 requirements of law. A defendant who enters a plea of not guilty by reason of mental
24 disease or defect shall join the plea of not guilty by reason of mental disease or defect
25 with one of the pleas under sub. (1).

(b) If a defendant joins a plea of not guilty by reason of mental disease or defect with a plea of not guilty, there shall be a separation of the trial of the issues of guilt and responsibility as provided in s. 975.52 (2) (a).

(c) If the defendant joins a plea of not guilty by reason of mental disease or defect with a plea of guilty or no contest, the court shall first determine whether to accept the plea of guilty or no contest under s. 975.52 (1). If the plea of guilty or no contest is accepted, the court shall withhold entry of a judgment of conviction pending determination of the issue of responsibility, by the court or by a jury, under s. 975.52 (2). Judgment shall be entered as provided in s. 975.52 (4).

SECTION 693. 971.065 of the statutes is created to read:

971.065 Plea agreements. (1) The district attorney and the defendant may participate in discussions to reach an agreement that if the defendant enters a plea of guilty or no contest the district attorney shall take or refrain from taking certain actions, including one or more of the following:

(a) Moving to dismiss or amend one or more charges.

(b) Reading in any crime that is uncharged or that is dismissed as part of the agreement.

(c) Recommending, or agreeing not to oppose the defendant's request for, a particular disposition.

(d) Agreeing that a specific disposition is appropriate.

(2) The court may not participate in discussions to reach an agreement under this section.

SECTION 694. 971.07 of the statutes is repealed.

SECTION 695. 971.08 (title) of the statutes is amended to read:

1 **971.08** (title) **Pleas Accepting pleas of guilty and or no contest;**
2 **~~withdrawal thereof.~~**

3 **SECTION 696.** 971.08 (1) (a) of the statutes is renumbered 971.08 (1) (ar) and
4 amended to read:

5 971.08 (1) (ar) Address the defendant personally and determine that the
6 defendant is making the plea is made knowingly, voluntarily, and with
7 understanding of the meaning and effect of the plea, the nature of the charge crime
8 to which the plea is entered, and the potential punishment if convicted.

9 **SECTION 697.** 971.08 (1) (ag) of the statutes is created to read:

10 971.08 (1) (ag) Require the parties to disclose any plea agreement in open court
11 or, on a showing of good cause, in camera. Before accepting the plea, the court may
12 express any reservations it has concerning the appropriateness of any recommended
13 disposition and shall advise the defendant personally that the court is not bound by
14 the terms of the plea agreement.

15 **SECTION 698.** 971.08 (1) (am) of the statutes is created to read:

16 971.08 (1) (am) Ask the defendant to state his or her plea on the record.

17 **SECTION 699.** 971.08 (1) (b) of the statutes is repealed and recreated to read:

18 971.08 (1) (b) Make an inquiry sufficient to satisfy the court that there is a
19 factual basis for a judgment of conviction of the crime to which the plea is entered.

20 **SECTION 700.** 971.08 (1) (d) of the statutes is amended to read:

21 971.08 (1) (d) Inquire of the district attorney whether he or she has complied
22 with s. 971.095 (2) and (3).

23 **SECTION 701.** 971.08 (3) of the statutes is repealed.

24 **SECTION 702.** 971.085 (title) and (1) (intro.) of the statutes are created to read:

that occur prior to the plea

971.085 (title) Effect of a plea of guilty or no contest. (1) (intro.) A plea

of guilty or no contest waives all nonjurisdictional defects and defenses except that the following may be reviewed upon appeal from a final order or judgment:

SECTION 703. 971.085 (1) (b) of the statutes is created to read:

971.085 (1) (b) An order denying a motion to dismiss asserting that the statute under which the defendant is charged violates the United States or the Wisconsin constitution.

SECTION 704. 971.085 (2) of the statutes is created to read:

971.085 (2) The court shall permit a defendant who prevails on an appeal of an order under sub. (1) (a) or (b) to withdraw his or her plea.

SECTION 705. 971.09 of the statutes is repealed and recreated to read:

971.09 Consolidation; plea to or read-in of crimes committed in several counties. (1) IN GENERAL. Consolidation refers to the process by which charges pending in more than one county are resolved in a single proceeding in one county. Consolidation is a voluntary procedure, requiring the consent of the defendant and the district attorneys for all counties whose charges are resolved. Consolidated charges shall be resolved by the entry of a plea of guilty or no contest or by an agreement that charged crimes be treated as read-in crimes. A defendant who has already been convicted of but not sentenced for a crime may apply for consolidation of any pending or uncharged crime committed.

(2) APPLICATION FOR CONSOLIDATION. A defendant may apply to the district attorney for a county in which a charge against the defendant is pending to resolve in a single proceeding in one county any pending cases. In the application, the defendant shall describe with particularity all the crimes that the defendant seeks to resolve in the single proceeding, indicate the county in which each of the crimes

1 was committed, and indicate the county in which the defendant requests final
2 disposition.

3 (3) NOTICE AND CONSENT. A district attorney who receives an application under
4 sub. (2) shall send a copy of the application to the district attorney for each county
5 in which a crime indicated in the application was committed. A district attorney who
6 receives a copy of the application may execute a written consent to having any crime
7 indicated in the application that is subject to disposition in his or her county resolved
8 in a proceeding in another county. If a district attorney does not consent to having
9 a crime that is subject to disposition in his or her county resolved in another county,
10 the crime may not be resolved under this section.

11 (4) AMENDING THE CHARGE; PLEA; READ-IN CRIMES. (a) If the district attorney to
12 whom the defendant submitted the application under sub. (2) consents to resolving
13 a case that is subject to disposition in his or her county in a single proceeding under
14 this section, the district attorney shall file an amended complaint that charges the
15 defendant with all crimes identified in consents executed under sub. (3) that are not
16 to be treated as read-in crimes.

17 (b) To resolve crimes charged in the amended complaint under par. (a) in a
18 single proceeding, the defendant shall waive in writing or on the record any right to
19 be tried in the county in which a crime charged in the amended complaint was
20 committed and enter a plea of guilty or no contest to each crime charged in the
21 amended complaint.

22 (c) To resolve read-in crimes under this section, the defendant shall affirm his
23 or her agreement to having the crimes considered at sentencing.

(d) A district attorney who executed a consent under sub. (3) need not be present when the defendant enters his or her plea but the district attorney's written consent shall be filed with the court.

(e) A charge that originated in a county may not be amended or dismissed without prior written approval of the district attorney for the county in which the charge originated.

(5) JUDGMENT. If it accepts the defendant's plea, the court shall enter judgment and sentence the defendant as though all crimes charged in the amended complaint were alleged to have been committed in the county where judgment is entered and may consider at sentencing any read-in crimes affirmed under sub. (4) (c). The clerk of the court for the county in which judgment is entered shall file a copy of the judgment of conviction with the clerk of the court for each other county in which charges addressed in the judgment or treated as read-in^{MA} crimes originated. The district attorney for each of the other counties shall then move to dismiss any charges that are pending in his or her county against the defendant for charges addressed in the judgment or as treated as read-in^{MA} crimes. *LPS: should be: read-in crimes*

(6) RIGHTS OF CRIME VICTIMS. The duties of the district attorney under ch. 950 and s. 971.095 shall be discharged by the district attorney for the county in which the crimes occurred, unless otherwise agreed to by the participating district attorneys.

(7) PROSECUTION COSTS. The county in which the plea is made shall pay the costs of prosecution if the defendant does not pay them, and is entitled to retain fees for receiving and paying to the state any fine that the defendant may pay. The clerk where the plea is made shall file a copy of the judgment of conviction with the clerk in each county where a crime covered by the plea was committed. The district attorney shall then move to dismiss any charges covered by the plea of guilty, which

1 are pending against the defendant in the district attorney's county, and the charges
2 shall be dismissed.

3 **SECTION 706.** 971.093 of the statutes is created to read:

4 **971.093 Withdrawal of a plea of guilty or no contest. (1) BEFORE**
5 **SENTENCING.** The court shall grant a motion that is made before sentencing to
6 withdraw a plea of guilty or no contest if a fair and just reason for doing so is
7 established.

8 **(2) AFTER SENTENCING.** The court shall grant a motion that is made after
9 sentencing to withdraw a plea of guilty or no contest if the defendant did not
10 knowingly, voluntarily, and understandingly enter the plea or if withdrawal is
11 required to prevent manifest injustice.

12 **(3) REMEDY.** When the court grants a motion to withdraw a plea of guilty or no
13 contest under this section, the judgment of conviction is vacated, the original charge
14 or charges reinstated, and the parties are restored to the position they were in before
15 the plea and any related plea agreement was accepted.

16 **SECTION 707.** 971.095 (2) and (3) of the statutes are amended to read:

17 **971.095 (2)** In any case in which a defendant has been charged with a crime,
18 the district attorney shall, as soon as practicable, offer all of the victims in the case
19 who have so requested ~~the opportunity~~ an opportunity to confer with the district
20 attorney concerning the prosecution of the case and the possible outcomes of the
21 prosecution, including potential plea agreements and sentencing recommendations.
22 The duty to confer under this subsection does not limit the obligation of the district
23 attorney to exercise his or her discretion concerning the handling of any criminal
24 charge against the defendant.

(3) At the request of a victim, a district attorney shall make a reasonable attempt to provide the victim with notice of the date, time, and place of scheduled court proceedings ~~in a case involving~~ relating to the prosecution of a crime of which he or she is a victim and any changes in the date, time, or place of a scheduled court proceeding for which the victim has received notice. This subsection does not apply to a proceeding held before the initial appearance to set conditions of release under ch. 969.

SECTION 708. Subchapter III (title) of chapter 971 [precedes 971.098] of the statutes is created to read:

CHAPTER 971

SUBCHAPTER III

SCHEDULING AND EXPEDITION OF PROCEEDINGS

SECTION 709. 971.098 of the statutes is created to read:

971.098 Scheduling orders; pretrial conferences. After the defendant enters a plea, the court may issue a scheduling order and may amend it as circumstances require. The order shall be in writing and may specify times for discovery, pretrial motions, notices of intent to offer an alibi or another defense required to be disclosed, pretrial conferences, trial, or other proceedings.

SECTION 710. 971.10 (1) (title) of the statutes is created to read:

971.10 (1) (title) MISDEMEANORS.

SECTION 711. 971.10 (1) of the statutes is renumbered 971.10 (1) (a) and amended to read:

971.10 (1) (a) In Subject to sub. (3), the trial of a defendant who is in custody and is charged only with a misdemeanor actions trial shall commence within ~~60~~ 45 days from the date of the defendant's initial appearance in court.

1 **SECTION 712.** 971.10 (1) (b) of the statutes is created to read:

2 971.10 (1) (b) Subject to sub. (3), the trial of a defendant who is not in custody
3 and is charged only with a misdemeanor shall commence within 60 days from the
4 date on which any party demands a speedy trial in writing or on the record. A party
5 who makes a demand in writing shall serve a copy upon the opposing party.

6 **SECTION 713.** 971.10 (2) (a) of the statutes is renumbered 971.10 (2) and
7 amended to read:

8 971.10 (2) FELONIES. ~~The Subject to sub. (3), the trial of a defendant who is~~
9 charged with a felony shall commence within 90 days from the date ~~trial is demanded~~
10 ~~by any party on which any party demands a speedy trial~~ in writing or on the record.
11 ~~If the A party who makes a demand is made in writing, a copy shall be served serve~~
12 ~~a copy upon the opposing party. The demand may not be made until at any time after~~
13 the filing of the information complaint or indictment.

14 **SECTION 714.** 971.10 (2) (b) of the statutes is renumbered 971.10 (2g) and
15 amended to read:

16 971.10 (2g) ASSIGNMENT OF ANOTHER JUDGE. If the court is unable to schedule
17 a timely trial ~~pursuant to par. (a)~~ under sub. (1) or (2), the court shall request
18 assignment of another judge ~~pursuant to~~ under s. 751.03.

19 **SECTION 715.** 971.10 (2r) of the statutes is created to read:

20 971.10 (2r) **INAPPLICABILITY TO DETAINERS.** Subsections (1) to (2m) do not apply
21 to inmates of a state prison.

22 **SECTION 716.** 971.10 (3) (title) of the statutes is created to read:

23 971.10 (3) (title) **CONTINUANCES.**

24 **SECTION 717.** 971.10 (3) (a) of the statutes is renumbered 971.10 (3) (a) (intro.)
25 and amended to read:

1 971.10 (3) (a) (intro.) A court may grant a continuance in a case, upon its own
2 motion or the motion of any party, if all of the following apply:

3 1. The ends of justice served by ~~taking action~~ a continuance outweigh the best
4 interest of the public and the defendant in a speedy trial. ~~A continuance shall not~~
5 ~~be granted under this paragraph unless the~~

6 2. The court sets forth, in on the record of the case, either orally or in writing,
7 its reasons for finding that ~~the ends of justice served by the granting of the~~
8 ~~continuance outweigh the best interests of the public and the defendant in a speedy~~
9 ~~trial~~ subd. 1. applies.

10 **SECTION 718.** 971.10 (3) (b) (intro.), 1. and 2. of the statutes are amended to
11 read:

12 971.10 (3) (b) (intro.) ~~The factors, among others, which the court shall~~
13 ~~consider in~~ In determining whether to grant a continuance under par. (a) ~~are, the~~
14 court shall consider at least the following factors:

15 1. Whether the failure to grant ~~the~~ a continuance ~~in the proceeding~~ would be
16 likely to make ~~a continuation of the proceeding~~ it impossible to continue the
17 proceeding or result in a miscarriage of justice.

18 2. Whether the case taken as a whole is so unusual and so complex, due to the
19 number of defendants ~~or~~, the nature of the prosecution, or otherwise, that it is
20 unreasonable to expect adequate preparation within the periods of time established
21 by this section.

22 **SECTION 719.** 971.10 (3) (c) of the statutes is amended to read:

23 971.10 (3) (c) ~~No~~ A court may not grant a continuance under par. (a) ~~may be~~
24 ~~granted~~ because of general congestion of the court's calendar ~~or~~, the state's lack of

1 diligent preparation, or the state's failure to obtain available witnesses ~~on the part~~
2 ~~of the state.~~

3 **SECTION 720.** 971.10 (4) of the statutes is renumbered 971.10 (2m) and
4 amended to read:

5 971.10 (2m) REMEDY. ~~Every~~ If a defendant is not tried in accordance with on
6 time under this section, the court shall be discharged release him or her from custody
7 but the obligations of the bond or other and remove any monetary conditions of
8 release of a defendant imposed as a result of the charge for which the time limit is
9 exceeded. Nonmonetary conditions shall continue ~~until modified or until the bond~~
10 ~~is released or the conditions removed or may be imposed.~~

11 **SECTION 721.** 971.105 of the statutes is amended to read:

12 **971.105 Child victims and witnesses; duty to expedite proceedings.** In
13 all criminal and delinquency cases, ~~juvenile fact-finding hearings under s. 48.31 and~~
14 ~~juvenile dispositional hearings~~ involving a child as a victim, as defined in s. 950.02
15 (4), or as a witness, as defined in s. 950.02 (5), the court and the district attorney shall
16 take appropriate action to ensure a speedy trial in order to minimize the length of
17 time the child must endure the stress of ~~the child's~~ his or her involvement in the
18 proceeding. In ruling on any motion or other request for a delay or continuance of
19 proceedings, the court shall consider and give weight to any adverse impact the delay
20 or continuance may have on the well-being of a child victim or witness.

21 **SECTION 722.** 971.11 (1) of the statutes is amended to read:

22 971.11 (1) Whenever the warden or superintendent of a state prison receives
23 notice of an untried criminal case pending in this state against an inmate of a ~~state~~
24 the prison, the warden or superintendent shall, at the request of the inmate, send
25 by certified mail a written request to the district attorney for prompt disposition of

1 the case. The request shall state the sentence then being served, and the date of the
2 inmate's parole eligibility, if applicable, or the date of release on which the inmate
3 will be released to extended supervision, or the approximate discharge or conditional
4 release date, and prior decision relating to parole. If there has been no preliminary
5 examination on the pending case, the request shall state whether the inmate waives
6 such examination, and, if so, shall be accompanied by a written waiver signed by the
7 inmate date on which the inmate will be discharged. If the inmate is already eligible
8 for parole, the request shall describe any prior decision relating to parole.

9 **SECTION 723.** 971.11 (2) and (3) of the statutes are consolidated, renumbered
10 971.11 (2) and amended to read:

11 971.11 (2) If the crime charged in the pending case is a felony, the district
12 attorney shall either move to dismiss the pending case or ~~arrange a date for~~
13 ~~preliminary examination as soon as convenient and notify the warden or~~
14 ~~superintendent of the prison thereof, unless such examination has already been held~~
15 ~~or has been waived. After the preliminary examination or upon waiver thereof, the~~
16 ~~district attorney shall file an information, unless it has already been filed, and mail~~
17 ~~a copy thereof to the warden or superintendent for service on the inmate. The district~~
18 ~~attorney shall bring the case on for trial within 120 days after receipt of receiving the~~
19 request, subject to s. 971.10. ~~(3) (3).~~ If the crime charged in the pending case is a
20 misdemeanor, the district attorney shall either move to dismiss the ~~charge~~ case or
21 bring it on for trial within 90 days after receipt of the request.

22 **SECTION 724.** 971.11 (4) of the statutes is amended to read:

23 971.11 (4) If the defendant desires to plead guilty or no contest to the complaint
24 ~~or to the information served upon him or her,~~ the defendant shall notify the district
25 attorney ~~thereof.~~ The district attorney shall thereupon arrange for the defendant's

1 ~~arraignment inmate to enter a plea as soon as possible and the court may receive the~~
2 ~~plea and pronounce judgment.~~

3 **SECTION 725.** 971.11 (5) of the statutes is amended to read:

4 971.11 (5) If the defendant wishes to plead guilty to cases pending in more than
5 one county, the ~~several~~ district attorneys involved may agree with the defendant and
6 among themselves for all such pleas to be received in the appropriate court of one of
7 such counties, and s. 971.09 shall govern the procedure thereon so far as applicable.

8 **SECTION 726.** 971.11 (6) of the statutes is amended to read:

9 971.11 (6) The ~~prisoner shall be delivered~~ warden or superintendent of the
10 prison shall deliver the inmate into the custody of the sheriff of the county in which
11 the charge is pending for transportation to the court, and the ~~prisoner shall be~~
12 ~~retained in that~~ sheriff shall retain custody of the inmate during all proceedings
13 under this section. The sheriff shall return the ~~prisoner inmate~~ to the prison upon
14 the completion of the proceedings and during any adjournments or continuances ~~and~~
15 ~~between the preliminary examination and the trial~~, except that, if the department
16 of corrections certifies a jail as being suitable to detain the ~~prisoner inmate~~, he or she
17 may be detained there until the court disposes of the case. The ~~prisoner's inmate's~~
18 existing sentence continues to run and he or she receives time credit under s. 302.11
19 while in custody.

20 **SECTION 727.** 971.11 (7) of the statutes is amended to read:

21 971.11 (7) If the district attorney moves to dismiss any pending case ~~or if it is~~
22 ~~not brought on for trial~~ to which a request under sub. (1) relates or does not bring the
23 case on for trial within the time specified in sub. (2) ~~or (3)~~, the case court shall be
24 ~~dismissed~~ dismiss the case unless the defendant has escaped or otherwise prevented
25 the trial, in which case the request for disposition of the case shall be deemed

1 withdrawn and of no further legal effect. ~~Nothing in this section prevents a trial after~~
2 ~~the period specified in sub. (2) or (3) if a trial commenced within such period~~
3 ~~terminates in a mistrial or a new trial is granted.~~

4 **SECTION 728.** 971.12 (title) of the statutes is renumbered 970.13 (title).

5 **SECTION 729.** 971.12 (1) and (2) of the statutes are renumbered 970.13 (1)
6 (intro.) and (2) and amended to read:

7 970.13 (1) JOINDER OF CRIMES. (intro.) Two or more crimes may be charged in
8 the same complaint, ~~information or indictment in a separate count for each crime if~~
9 ~~the crimes charged, whether felonies or misdemeanors, or both, if each is described~~
10 in a separate count and if any of the following applies:

11 (a) The crimes are of the same or similar character ~~or~~.

12 (b) The crimes are based on the same act or transaction ~~or on 2.~~

13 (c) The crimes are based on 2 or more acts or transactions connected together
14 or constituting parts of a common scheme or plan. ~~When a misdemeanor is joined~~
15 ~~with a felony, the trial shall be in the court with jurisdiction to try the felony.~~

16 (2) JOINDER OF DEFENDANTS. Two or more defendants may be charged in the
17 same complaint, ~~information or indictment~~ if they are alleged to have participated
18 in the same act or transaction or in the same series of acts or transactions
19 constituting one or more crimes. Such defendants may be charged in one or more
20 counts together or separately ~~and all of the defendants need not be charged in each~~
21 ~~count.~~

22 **SECTION 730.** 971.12 (3) of the statutes is renumbered 971.68 (2) and amended
23 to read:

24 971.68 (2) RELIEF FROM PREJUDICIAL JOINDER. If it appears that a defendant or
25 the state is prejudiced by a joinder of crimes or of defendants ~~in a complaint,~~

1 ~~information or indictment or by such joinder for trial together~~, the court may order
2 separate trials of counts, ~~grant a severance of charges or~~ defendants or provide
3 whatever other relief justice requires. ~~The district attorney shall advise the court~~
4 ~~prior to trial if the district attorney intends to use the statement of a codefendant~~
5 ~~which implicates another defendant in the crime charged. Thereupon, the judge~~
6 ~~shall grant a severance as to any such defendant.~~

7 **SECTION 731.** 971.12 (4) of the statutes is renumbered 971.67 and amended to
8 read:

9 **971.67 Trial together Joint trial of separate charges.** The court may order
10 2 or more complaints, ~~informations~~ or indictments to be tried together if the crimes
11 and the defendants, if there is more than one, could have been joined in a single
12 complaint, ~~information~~ or indictment. The procedure shall be the same as if the
13 prosecution were under such single complaint, ~~information~~ or indictment.

14 **SECTION 732.** 971.13 of the statutes is renumbered 975.30, and 975.30 (3) and
15 (4), as renumbered, are amended to read:

16 975.30 (3) The fact that a defendant is not competent to proceed does not
17 preclude any legal objection to the prosecution under s. ~~971.31 which~~ 971.65 that is
18 susceptible of fair determination prior to trial and without the personal participation
19 of the defendant.

20 (4) The fact that a defendant is not competent to proceed does not preclude a
21 hearing under s. ~~968.38~~ 968.725 (4) or (5) unless the court cannot fairly make the
22 probable cause finding required to be made at the hearing cannot be fairly made
23 under s. 968.725 (4) or (5), whichever is applicable, without the personal
24 participation of the defendant.

25 **SECTION 733.** 971.14 (title) of the statutes is repealed.

1 **SECTION 734.** 971.14 (1g) of the statutes is repealed.

2 **SECTION 735.** 971.14 (1r) (title) of the statutes is repealed.

3 **SECTION 736.** 971.14 (1r) (a) of the statutes is renumbered 975.31 (1).

4 **SECTION 737.** 971.14 (1r) (b) of the statutes is renumbered 975.31 (3) and
5 amended to read:

6 975.31 (3) If reason to doubt a defendant's competency to proceed arises after
7 ~~the defendant has been bound over for trial after a preliminary examination, or after~~
8 ~~a finding of guilty has been rendered by the jury or made by the court, a guilt, no~~
9 ~~probable cause determination shall not be~~ finding is required and the court shall
10 ~~proceed~~ order an examination of the defendant under sub. (2) s. 975.32.

11 **SECTION 738.** 971.14 (1r) (c) of the statutes is repealed.

12 **SECTION 739.** 971.14 (2) (title) of the statutes is repealed.

13 **SECTION 740.** 971.14 (2) (a) of the statutes is renumbered 975.32 (1) and
14 amended to read:

15 975.32 (1) If an examination of a defendant is required under s. 975.31, the
16 court shall order an examination into competency. The court shall may order the
17 department to conduct the examination or may appoint one or more examiners
18 having the specialized knowledge determined by the court to be appropriate to
19 examine and report upon the condition of the defendant. ~~If an inpatient examination~~
20 ~~is determined by the court to be necessary, the defendant may be committed to a~~
21 ~~suitable mental health facility for the examination period specified in par. (c), which~~
22 ~~shall be deemed days spent in custody under s. 973.155. If the examination is to be~~
23 ~~conducted by the department, the court shall order the individual to the facility~~
24 ~~designated by the department~~ the court orders the department to conduct an
25 examination, the department may select the examiner.

1 **SECTION 741.** 971.14 (2) (am) of the statutes is repealed.

2 **SECTION 742.** 971.14 (2) (b) of the statutes is renumbered 975.32 (3) and
3 amended to read:

4 975.32 (3) If the defendant has been released ~~on bail~~ from custody, the court
5 shall order an outpatient examination, except that the court may not order an
6 involuntary inpatient examination unless if the defendant consents to an inpatient
7 examination, the defendant fails to cooperate in the an outpatient examination, or
8 the examiner informs the court that inpatient observation is necessary for an
9 adequate examination.

10 **SECTION 743.** 971.14 (2) (c) of the statutes is renumbered 975.32 (6) (a) and
11 amended to read:

12 975.32 (6) (a) ~~Inpatient examinations shall be completed and the report of~~
13 ~~examination filed~~ An examiner ordered to conduct an inpatient examination under
14 this section shall complete the examination and file a report of the examination
15 within 15 days after the examination is ordered or as specified in par. (am),
16 ~~whichever is applicable, unless, for good cause, the facility or examiner appointed by~~
17 ~~the court cannot complete the examination within this period and requests an~~
18 ~~extension. In that case, if the department is the examiner, within 15 days after the~~
19 defendant arrives at the inpatient facility. If the examiner cannot complete the
20 examination within 15 days and requests an extension, the court may for good cause
21 allow one 15-day extension of the examination period. Outpatient examinations
22 ~~shall be completed and the report of examination filed~~

23 (b) An examiner ordered to conduct an outpatient examination under this
24 section shall complete the examination and file a report of the examination within
25 30 days after the examination is ordered.

1 **SECTION 744.** 971.14 (2) (d) of the statutes is renumbered 975.32 (5) and
2 amended to read:

3 975.32 (5) ~~If the court orders that the examination be conducted on an inpatient~~
4 ~~basis~~ a defendant in custody is subject to an inpatient examination ordered under
5 this section, the sheriff of the county in which the court that ordered the examination
6 is located shall transport ~~any~~ the defendant ~~not free on bail~~ to the examining facility
7 where the examination will take place within a reasonable time after the
8 examination is ordered and shall ~~transport~~ return the defendant ~~to the jail~~ within
9 a reasonable time after the examination is completed. The examining facility shall
10 notify the sheriff and county the department of community programs of for the
11 county in which the court is located receive notice from the examining facility that
12 when the examination has been is completed.

13 **SECTION 745.** 971.14 (2) (e) of the statutes is renumbered 975.32 (8) and
14 amended to read:

15 975.32 (8) ~~The~~ An examiner shall personally observe and examine the
16 defendant and shall have access to ~~his or her~~ the defendant's past ~~or~~ and present
17 treatment records, as defined under s. 51.30 (1) (b).

18 **SECTION 746.** 971.14 (2) (f) of the statutes is renumbered 975.32 (9).

19 **SECTION 747.** 971.14 (2) (g) of the statutes is renumbered 975.32 (11) and
20 amended to read:

21 975.32 (11) The defendant also may be examined for competency purposes at
22 any stage of the competency proceedings by ~~physicians or other experts~~ designated
23 by the court or chosen by the defendant or by the district attorney, who shall be
24 permitted reasonable access to the defendant for purposes of the examination. Any
25 party who intends to call an expert designated or chosen under this subsection as a

1 witness shall furnish a copy of the expert's report to the opposing party within a
2 reasonable period of time.

3 **SECTION 748.** 971.14 (3) (intro.) of the statutes is renumbered 975.33 (1) (intro.)
4 and amended to read:

5 975.33 (1) **REPORT CONTENTS.** (intro.) The Each court-appointed examiner
6 shall submit to the court a written report which shall include that includes all of the
7 following:

8 **SECTION 749.** 971.14 (3) (a) and (b) of the statutes are renumbered 975.33 (1)
9 (a) and (b).

10 **SECTION 750.** 971.14 (3) (c) of the statutes is renumbered 975.33 (1) (c) and
11 amended to read:

12 975.33 (1) (c) The examiner's opinion regarding the defendant's present mental
13 capacity to understand the criminal proceedings and assist in his or her defense.

14 **SECTION 751.** 971.14 (3) (d) of the statutes is renumbered 975.33 (1) (d) (intro.)
15 and amended to read:

16 975.33 (1) (d) (intro.) If the examiner reports that the defendant ~~lacks~~
17 ~~competency, the~~ is not competent to proceed, all of the following:

18 1. The examiner's opinion regarding the likelihood that the defendant, if
19 provided treatment, ~~may be restored to competency~~ become competent within the
20 ~~time maximum period permitted under sub. (5) (a).~~ The examiner shall provide an
21 of commitment, as defined in s. 975.34 (6) (a).

22 2. The examiner's opinion as to whether ~~the defendant's~~ treatment should
23 ~~occur~~ be provided in an inpatient facility designated by the department, in a
24 community-based treatment program under the supervision of the department, or

1 in a jail or a locked unit of a facility that has entered into a voluntary agreement with
2 the state to serve as a location for treatment.

3 **SECTION 752.** 971.14 (3) (dm) (intro.) of the statutes is renumbered 975.33 (1)
4 (e) and amended to read:

5 975.33 (1) (e) If sufficient information is available to the examiner to reach an
6 opinion, the examiner's opinion on whether the defendant needs medication or
7 treatment and whether the defendant is not competent to refuse medication or
8 treatment. ~~The defendant is not competent to refuse medication or treatment if,~~
9 ~~because of mental illness, developmental disability, alcoholism or drug dependence,~~
10 ~~and after the advantages and disadvantages of and alternatives to accepting the~~
11 ~~particular medication or treatment have been explained to the defendant, one of the~~
12 ~~following is true:~~

13 **SECTION 753.** 971.14 (3) (dm) 1. and 2. of the statutes are repealed.

14 **SECTION 754.** 971.14 (3) (e) of the statutes is renumbered 975.33 (1) (g) and
15 amended to read:

16 975.33 (1) (g) The facts and reasoning, in reasonable detail, upon which the
17 required findings and opinions ~~under pars. (b) to (dm)~~ are based.

18 **SECTION 755.** 971.14 (4) (title) of the statutes is repealed.

19 **SECTION 756.** 971.14 (4) (a) of the statutes is renumbered 975.33 (2) and
20 amended to read:

21 975.33 (2) DISCLOSURE. The court shall cause copies of the examiner's report
22 to be delivered ~~forthwith~~ immediately to the district attorney and ~~the defense~~
23 ~~counsel, to the defendant's attorney~~ or the defendant personally if not represented
24 by counsel. Upon the request of the sheriff or jailer charged with care and control
25 of the jail in which the defendant is being held pending or during a trial or sentencing